

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA,

Action No. 1:04-cr-10286 PBS

v.

MICHAEL W. ALCOTT,
Defendant.

MEMORANDUM OF OBJECTION AND MOTION TO STRIKE

N O W C O M E S defendant, Michael W. Alcott, by his counsel, and objects to the government's filings (Doc. No.'s 55 & 56) of March 28, 2006, and moves to strike the same. The government offers an affidavit and exhibits less than two days before the sentencing hearing. These documents were never reviewed in pre-sentence report and their late inclusion compromises Mr. Alcott's Fifth Amendment right to due process. It is not possible to for the defense to formulate an orderly response to these late records. The statements of defendant's purported suicide note and the accompanying exhibits are not probative of any issue of obstruction of justice and are offered without excuse for their tardy introduction. The government has had more than six months in which to develop sentencing evidence and subject it to the normal review process. The government should not be allowed to gain advantage from its late decision to include this information.

Dated this 29th day of March, 2006 at Boston, Massachusetts.

/s./ *Kevin L. Barron*

Kevin Lawrence Barron, Mass BBO 550712
Counsel to MICHAEL ALCOTT, Defendant
453 Washington Street - 5th Floor
Boston, Massachusetts 02111-1325
Telephone No. 617-482-6368
Facsimile No. 617-517-7711
Cellular No. 617-407-6837
Electronic Mail: k@lawyerbarron.com

CERTIFICATE OF SERVICE

On March 29, 2006, counsel caused a true copy of this motion to be served on AUSA Pirozzolo through the CM/ECF of this District. No party requires service by other means.

/s./ *Kevin L. Barron*

Kevin Lawrence Barron, Mass BBO 550712